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October 19, 2001

Carol Hanlon

U. S. Dept. of Energy

Yucca Mtn. Site Characterization Office

P.O. Box 30307

North Las Vegas, NV 89036-0307

Comments of Committee to Bridge the Gap
On Yucca Mountain Preliminary Site Suitability Evaluation

Dear Ms. Hanlon:

The Yucca Mountain Preliminary Site Suitability Evaluation (PSSE) does not provide an adequate basis for finding that the Yucca Mountain site is suitable for development as a repository for highly irradiated nuclear fuel and high-level nuclear waste.

The PSSE concludes that "the preliminary postclosure dose estimates considering the combined nominal and disruptive scenarios are below the final EPA and proposed NRC standards for individual protection." But this assertion is possible only by those standards' arbitrary limitation of a 10,000-year "regulatory compliance period." While 10,000 years is clearly a very long period of time on the scale of human history, many of the radionuclides proposed for burial at Yucca Mountain are still in their infancy after 10 millennia. A study conducted for DOE's Yucca Mountain Project calculated that radiation doses from the proposed repository would be about 500 times greater at 100,000 years than they would be at 10,000 years (Atkins, J.E., J.H. Lee, S. Lingineni, S. Mishra, J.A. McNeish, D.C. Sassani, S.D. Sevougian, "Total System Performance Assessment - 1995: An Evaluation of the Potential Yucca Mountain Repository, TRW, November 1995). By what ethical standard does our government propose to ignore the health and

The National Academy of Sciences Panel charged by Congress with studying the technical bases for standards and criteria for protecting public health from geologic disposal recommended that the adequacy of health protection be assessed for the time of greatest calculated dose, rather than applying arbitrary cutoffs at earlier times. An ethical concern for future generations requires that we isolate radioactive material for as long as necessary to avoid inflicting death and illness on future humans; failure to accomplish that will mean geologic disposal has failed. Defining successful disposal by an arbitrary standard is an effort to enable licensing of a dump, not a fulfillment of the goal of geologic isolation. Indeed, even with extraordinary efforts to force downward estimates of peak dose to the public, through highly questionable assumptions, the PEIS estimates doses to the public far above the 25 mrem standard, or any other current standard for protection of the public, at the time of peak exposure. By pretending it doesn't matter, so long as the dose is after 10,000 years, the PSSE ignores fundamental requirements of honest environmental review. Indeed, the entire document is premised on the canisters not failing until about 11,000 years, with the radioactivity migrating thereafter -- demonstrating quite clearly the manipulation of assumptions to bypass genuine review of impacts by relying on the fiction that only the first 10,000 years matter.

The PSSE relies heavily on engineered barriers. Reliance on engineered barriers is necessitated by Yucca Mountain's failure to live up to the promise of geologic disposal - that natural rock formations would provide the primary method of containment of radionuclides. The one site chosen by Congress for characterization turned out not to offer sufficient geologic advantages for waste isolation. Since Yucca's rock will not serve as a natural barrier to significant releases of radiation, DOE's current strategy is to use engineered barriers to delay radiation releases until after the 10,000-year regulatory

period.

The PSSE also fails to adequately deal with the critical findings of tritium and chlorine-36 deep within Yucca Mountain, demonstrating rapid movement of water and the prospect of far more rapid release and transport of radioactivity.

Furthermore, the PSSE is premature, as several key analyses and regulations remain incomplete. Comments from our organization and thousands of others on the Draft Environmental Impact Statement have not been addressed, and the final EIS required by the Nuclear Waste Policy Act has not been issued. The sufficiency review required by the NWPA has not been issued by the NRC, and DOE's proposed repository licensing rule has not been finalized.

The PSSE seems to rely on DOE's proposed amendments to its Site Suitability Guidelines, but those changes have not been formally adopted, nor should they be, as they are inconsistent with the NWPA. The statute requires the Secretary of Energy to "issue general guidelines for the recommendation of sites for repositories...such guidelines shall specify factors that qualify or disqualify any site from development as a repository." Instead, DOE has narrowed the scope of the PSSE to focus it on compliance with EPA and (proposed) NRC regulations. Mere compliance with those regulations is not sufficient for making a recommendation to develop a repository. The NWPA requires a broader consideration, as reflected in the original guidelines, to increase assurance that public health and safety will be protected. As demonstrated above, the arbitrary 10,000-year cutoff in the regulations does not protect public health and safety.

Additionally, the review does not address the environmental impacts of successful terrorist attack during the tens of thousands of shipments of spent fuel that the Yucca Mountain project would require, nor the prospective impacts of terrorist attack on the surface staging area nor of the facility itself. While there are terrorist risks regarding spent fuel at the reactor sites themselves, it is far easier to protect 60+ sites, already protected because of the presence of the reactors themselves, than 100,000 shipments of spent fuel over thousands of miles of highways and rail lines.

For these reasons, the Secretary should not recommend that the Yucca site be developed as a repository for highly irradiated nuclear fuel and high-level nuclear waste. Such a dump would threaten public health and safety for hundreds of thousands of years. Today's Americans have an obligation to protect our descendants from being ravaged by the lethal wastes created in our own era.

Respectfully Submitted,

Bill Magavern

Sacramento Director

Committee to Bridge the Gap
